



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

**999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466**

June 27, 2006

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Carbon County Commissioners
c/o Art Zeiger, Chair
P.O. Box 6
Rawlins, WY 82301

Re: Notice of Safe Drinking Water Act
Enforcement Action against the Town of Dixon
PWS ID# 5600059

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly, because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water supply system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to the Town of Dixon Public Water System, Dixon, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.70(a), 141.72(b)(1), 141.72(b)(2), 141.73, 141.551, 141.75(b)(3)(iii), 141.152-155, and 141.31(b) for failure to provide proper treatment for removal and/or inactivation of *Giardia lamblia* cysts and viruses; failure to maintain at least 0.2 mg/L residual disinfection concentration for more than 4 hours in the water entering the distribution system; failure to meet the turbidity level in at least 95 percent of the monthly measurements; failure to report noncompliance with residual disinfectant requirements to EPA; failure to prepare and deliver a 2004 Consumer Confidence Report; and failure to report National Primary Drinking Water Regulation violations to EPA.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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DENVER, COLORADO 80202-2466



June 27, 2006

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Town of Dixon
Attn: Robert Dunckley, Mayor
P.O. Box 26
Dixon, WY 82323

Re: Administrative Order
Docket No. **SDWA-08-2006-0046**
PWS ID #WY5600059

Dear Mayor Dunckley:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the Town of Dixon is a supplier of water as defined by the SDWA and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.70(a), 141.72(b)(1), 141.72(b)(2), 141.73, 141.551, 141.75(b)(3)(iii), 141.152-155, and 141.31(b) for failure to provide proper treatment for removal and/or inactivation of *Giardia lamblia* cysts and viruses; failure to maintain at least 0.2 mg/L residual disinfection concentration for more than 4 hours in the water entering the distribution system; failure to meet the turbidity level in at least 95 percent of the monthly measurements; failure to report noncompliance with residual disinfectant requirements to EPA; failure to prepare and deliver a 2004 Consumer Confidence Report; and failure to report National Primary Drinking Water violations to EPA.

If the Town of Dixon complies with the terms of the Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance



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resources and tools available to small businesses, is enclosed with this letter. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources which may also be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate your responsibility to comply with the SDWA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order
SBREFA

cc: (via email)
Wyoming DEQ
Wyoming DOH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)
)
Town of Dixon)
Dixon, Wyoming)
PWS ID# WY5600059)
)
Respondent)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

ADMINISTRATIVE ORDER

Docket No.: **SDWA-08-2006-0046**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The Town of Dixon ("Respondent") is a municipality and is therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Town of Dixon Water System (the "System"), located in Carbon County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42



U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations (“NPDWRs”).

5. According to a November 3, 2003, sanitary survey by an agent for EPA, the System is supplied solely by surface water piped through infiltration galleries from the Little Snake River. The System serves a population of approximately 78 persons through 53 service connections.
6. By letter dated December 9, 1992, EPA has determined that the System is required to provide filtration.
7. The System uses a media filter followed by bag/cartridge technology for filtration, which is considered alternative filtration technology.

FINDINGS OF VIOLATION

COUNT I - failure to adequately remove and/or inactivate *Giardia* and viruses

in violation of 40 C.F.R. §§ 141.70(a) and 141.72(b)(1)

1. All public water supply systems using either a surface water source or a ground water source under the direct influence of surface water must treat their water to remove and/or inactivate at least 99.9%, or 3-log, of *Giardia lamblia* cysts and to remove and/or inactivate at least 99.99%, or 4-log, of viruses. (40 C.F.R. § 141.70(a).) Systems that filter their water must also use disinfection treatment sufficient, as determined by EPA, to ensure these levels of removal and/or inactivation. (40 C.F.R. § 141.72(b)(1).)
2. According to a June 7, 2004, letter from EPA to the System, EPA has determined that (1) the media and bag/cartridge filters used by the System are effective in achieving a 2-log (99%) removal of *Giardia lamblia* cysts but do not remove viruses and (2) based on a November 3, 2003 sanitary survey, the System would need to maintain a free chlorine



residual of at least 0.4 milligrams per liter (mg/l) at the point of entry to the distribution system in order to achieve 99.9% removal and/or inactivation of *Giardia lamblia* cysts and 99.99% removal and/or inactivation of viruses.

3. On October 3, 12, 17, 24, 26, 30 and 31, 2001; July 1, 2, 4, 5, 8 and 31, 2004; August 1, 3, 10, 27 and 31, 2004; September 2, 2004; July 7, 12, 13, 17, 18 and 20, 2005; and April 19, 2006, the System failed to maintain a free chlorine residual of at least 0.4 milligrams per liter (mg/l) at point of entry to the distribution system, in violation of 40 C.F.R. §§ 141.70(a) and 141.72(b)(1).

COUNT II - failure to maintain residual disinfectant at point of entry to the distribution system, in violation of 40 C.F.R. § 141.72(b)(2)

1. All public water supply systems that filter their water must maintain a residual disinfectant concentration of no less than 0.2 mg/l in the water entering their distribution systems. This residual cannot be less than 0.2 mg/l for more than four hours. (40 C.F.R. § 141.72(b)(2).)
2. On July 5 and 8, 2004, the System failed to maintain a chlorine residual concentration of at least 0.2 mg/l over a period of at least four hours, in violation of 40 C.F.R. § 141.72(b)(2).

**COUNT III - exceeding turbidity limit
in violation of 40 C.F.R. §§ 141.73 and 141.551**

1. Because the System uses an alternative filtration technology (media followed by bag/cartridge), the System is subject to a filtered water turbidity maximum of 1 Nephelometric Turbidity Unit (NTU) in at least 95% of the measurements taken in any month. (40 C.F.R. §§ 141.73(d) and 141.551(a).)
2. During July of 2005 and May of 2006, the System failed to maintain water turbidity



levels of 1 NTU or less in at least 95% of the measurements taken that month, in violation of 40 C.F.R. §§ 141.73(d) and 141.551(a).

COUNT IV – failure to report to EPA in violation of 40 C.F.R. § 141.75(b)(3)(iii)

1. Public water systems are required to report noncompliance with 40 C.F.R. § 141.72(b)(2) to EPA as soon as possible but no later than the end of the next business day, any time the residual disinfectant falls below 0.2 mg/L (for any period of time) in the water entering the distribution system. (40 C.F.R. § 141.75(b)(3)(iii).)
2. Respondent failed to report to EPA instances of noncompliance in October 2001, in violation of 40 C.F.R. § 141.75(b)(3)(iii).

**COUNT V – failure to prepare and deliver Consumer Confidence Report
in violation of 40 C.F.R. § 141.152(b)**

1. Each community water system is required to prepare and deliver an annual Consumer Confidence Report (CCR) to its customers by July 1, containing data collected during the previous calendar year. (40 C.F.R. § 141.152(b).)
2. Respondent failed to prepare and deliver to its customers a CCR for the Town of Dixon PWS covering the year 2004 by July 1, 2005, in violation of 40 C.F.R. §§ 141.152(b).

COUNT VI – failure to report to EPA in violation of 40 C.F.R. § 141.31(b)

1. Public water systems must report any failure to comply with any NPDWR to EPA within 48 hours. (40 C.F.R. § 141.31(b).)
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections I, II, IV, and V, in violation of 40 C.F.R. § 141.31(b).

ORDER



Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with treatment requirements as stated in 40 C.F.R. §§ 141.70(a) , which requires public water systems using a surface water source, or groundwater under the direct influence of surface water, to provide treatment to achieve at least 99.9 percent (3-log) removal/ inactivation of *Giardia lamblia* cysts and 99.99 percent (4-log) removal/inactivation of viruses.
2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. §§ 141.73(d) and 141.551 by ensuring that the turbidity level of representative samples of the System's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month and at no time exceed 5 NTU.
3. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.72(b)(2), which requires that the residual disinfectant concentration in the water entering the distribution system not be less than 0.2 mg/L for more than 4 hours.
4. Within 90 days of the effective date of this Order, Respondent shall submit to EPA a complete engineering evaluation of the System to determine changes necessary to bring the System into compliance with 40 C.F.R. §§ 141.70(a), 141.73, 141.72(b)(2), and 141.551. The engineering evaluation shall include but not be limited to (1) evaluation of all operating practices which include current filtration and disinfection practices, chemical addition, and turbidity and residual disinfectant monitoring practices; (2) evaluation of current filtration and disinfection equipment; (3) recommendations on all operating practices and system improvements; and (4) a schedule for implementing and completing recommended changes in operating practices and system improvements. The schedule shall include specific milestone dates, a final compliance date that shall be no later than July 31, 2007, and shall be submitted to EPA for approval. The plans must be



approved by EPA before construction can commence. An EPA approval does not substitute for any required state or local approval.

5. If system improvements are needed under paragraph 4 above, Respondent shall, beginning 4 months after EPA's plan approval, submit quarterly reports to EPA on the progress made toward bringing the System into compliance with the requirements in 40 C.F.R. §§ 141.70(a), 141.73, 141.72(b)(2), and 141.551. The reports shall be due within 10 days of the end of each calendar quarter.
6. The schedule for implementing and completing improvements will be incorporated into this Order upon written approval by EPA.
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.75(b)(3)(iii) by reporting to EPA as soon as possible but no later than the end of the next business day, any time the residual disinfectant falls below 0.2 mg/L in the water entering the distribution system.

Within 30 days from the date of this Order, Respondent shall prepare the 2004 Consumer Confidence Report containing complete and accurate drinking water data from January through December 2004, and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.152-155. Respondent shall provide EPA a copy of the 2004 CCR, along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution. Respondent shall prepare and deliver complete and accurate CCRs for each year thereafter by July 1 annually, and provide certification each year thereafter by October 1 annually to remain in compliance with 40 C.F.R. §§ 141.152-155.

9. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR to EPA within 48 hours.
10. Reporting requirements specified in this Order shall be provided by certified mail to:



U. S. EPA Region 8 (8P-W-DW)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.



Issued this 27TH day of June, 2006.

David J. Janik for/

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS PLEASE CONTACT THE
REGIONAL HEARING CLERK'S OFFICE.**

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE
ON JUNE 27, 2006.**

